

RCVD - USDC COLA SC
DEC 19 '24 AM 11:56

COMPLAINT FOR WRIT OF MANDAMUS

I. INTRODUCTION

This is an action for a Writ of Mandamus under 28 U.S.C. § 1361 and the Administrative Procedure Act (APA), 5 U.S.C. §§ 555(b) and 706(1), to compel the Defendants to fulfill their non-discretionary duty to adjudicate the Plaintiff's application for adjustment of status (Form I-485) within a reasonable time.

II. JURISDICTION AND VENUE

Jurisdiction is conferred upon this Court by 28 U.S.C. § 1361 (Mandamus Act) and 28 U.S.C. § 1331 (federal question jurisdiction).

Venue is proper under 28 U.S.C. § 1391(e) because the Defendants are officers of the United States, and the Plaintiff resides within this judicial district in Columbia, South Carolina.

III. PARTIES

1. Plaintiff **Feruza Dosmetova**, born April 1st, 1998, is a citizen of Kazakhstan residing at 146 Rivendale Dr, Columbia, SC 29229-8041.
2. Defendants include:
 - a. U.S. Citizenship and Immigration Services (USCIS) – responsible for adjudicating adjustment of status applications.
 - b. Merrick Garland, Attorney General of the United States.
 - c. Ur Mendoza Jaddou, Director of USCIS.
 - d. Alejandro Mayorkas, Secretary of the Department of Homeland Security.

IV. FACTUAL ALLEGATIONS

5. Plaintiff submitted Form I-485 for adjustment of status on June 24, 2019, under case number SRC1990445644.
6. Plaintiff has not received a decision, despite the application being pending for over 5 years.
7. The prolonged delay has caused significant harm to the Plaintiff, including:
 - a. **Emotional distress:** The uncertainty of Plaintiff's immigration status has caused anxiety and disrupted daily life.
 - b. **Financial harm:** Plaintiff has been unable to secure full-time employment in the IT field, as many employers assume she requires sponsorship due to her immigration status. This has forced her to rely on short-term contract positions, limiting her career growth and financial stability.
 - c. **Career setbacks:** Plaintiff has been unable to pursue professional opportunities requiring lawful permanent resident status. The delay in processing her application has prevented her from securing stable employment and advancing in her career.
 - d. **Military service:** Plaintiff is eager to serve in the U.S. military but is unable to enlist without a green card. This prevents her from fulfilling a personal goal and contributing to the country in a meaningful way.
8. Plaintiff has made multiple inquiries to USCIS regarding the status of the application, including:

- Service requests submitted via USCIS online tools.
- Email correspondence with USCIS.
- Request for expedited processing submitted, which was denied without detailed explanation.
- Plaintiff also reached out to her congressman for assistance with the delay in processing her application.

Defendants have a non-discretionary duty to adjudicate Plaintiff's application within a reasonable time under the Immigration and Nationality Act (INA) and the APA.

V. CLAIM FOR RELIEF

11. Under the APA, 5 U.S.C. § 555(b), agencies are required to conclude matters presented to them "within a reasonable time." The delay in this case violates the APA.

12. Under 5 U.S.C. § 706(1), this Court has the authority to compel agency action unlawfully withheld or unreasonably delayed.

13. Plaintiff has exhausted all administrative remedies by submitting inquiries and requests to USCIS.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- Issue a Writ of Mandamus compelling the Defendants to adjudicate Plaintiff's Form I-485 within 30 days or another reasonable timeframe determined by the Court.
- Declare that Defendants' delay in adjudicating Plaintiff's application is unreasonable and violates the APA.
- Grant such other and further relief as the Court may deem just and proper.

Respectfully submitted,



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